

SENATOR FELLMAN: Mr. President, members of the Legislature on page 1096, of the Journal is the Attorney General's opinion that I requested that deals with this bill. The bill 957 is the bill that calls for the revocation of a persons drivers license while upon non-payment of child support. I don't know that a long debate is necessary because this body has been through this debate on two seperate occasions. The last time that it was debated at length, I argued that the bill was unconstitutional and the opinion of the Attorney General written by Mr. Duncan of that office and the Assistant Attorney General agrees with that conclusion. If someone wants to go into a lengthy debate again, fine I would be up for the debate and I'm ready. Needless to say the bill is unconstitutional, the bill will cause a great deal of litigation and confusion and it seems to me the bill should be killed. I think that there are those members in this body who have waited to cast a vote to determine what the legal standing of the measure was. I would urge those that have waited for voting to now join those of us who have always felt the bill is poorly conceived and unconstitutional on its face.

PRESIDENT: Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the legislature, I agree with Senator Fellman that we have been over the track many times, and I'm prepared to go again. I rise in objection to the motion to kill. For a great many of reasons. First of all, I don't, very rarely get thin skinned about things, but I'm going to have to suggest to my good friend Senator Fellman that he does not refer to the revocation of a mans drivers license in this bill. This is a....in this bill we suspend and there is a vast difference. We do not, outright revoke a mans drivers license. We suspend the license and we suspend it with the privilege that he may drive to and from work and that he may drive on the nature of his employment. Now he refers to the Attorney General's opinion and if you would study the opinion carefully, you would see that he does not say that the bill is unconstitutional. He talks around him, but he does not say it. Now I took it upon myself to visit Saturday with a number of members of the Judiciary, six or seven of them to be exact. Tomorrow morning I will have in my own position a qualified endorsement of the bill from the district judge Tome White at Columbus. The other judges of whom I have visited have told me that they see no problem with the bill, they assure me that the bill as drafted can have a tremendous impact, upon the child support collections in the state of Nebraska. I do not know of how many times I have appealed to you as a member of this body to use your good judgement in the passage of a bill, and I don't know how many times we have stood up here and quoted the Attorney Generals's opinion when we want to kill a bill, I hope that you will believe me when I say that these judges the men whom you trust, and the men who are responsible, for the collection of these child support payments, see nothing wrong with the bill. I have visited with many of them and have visited with five or six many times of persons as Senator Fellman visited with in the case of the Attorney Generals opinion. These are the men that are going to decide how the bill will be enforced. They have assured me that the bill would do this. If the bill becomes law, there is going to be a period of time when we see what happens regarding the enforcement. I would like to say again, that LB957 is not the first step. Senator Fellman's own 1015 can easily be the first step in child support collection payments. I have said that